

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
vs.	:	Docket No. 08-00475-01
DAVID HAND	:	

SENTENCING MEMORANDUM

TO THE HONORABLE BERLE M. SCHILLER, U.S. DISTRICT COURT JUDGE:

David Hand, defendant in the above matter, by his attorney, William T. Cannon, Esquire, submits this Memorandum to the District Court as an aid in sentencing the defendant on January 26, 2009 and avers as follows:

1. This case originated with the defendant's arrest on May 7, 2008 by the Philadelphia Police at his then home address of 6620 Dorel Street in Philadelphia. Discovered in and about the home was 56.79 grams of crack cocaine, 107.9 grams of cocaine and a loaded .45 caliber pistol.
2. Mr. Hand remained in custody following his arrest because at the time of his arrest he was on probation with Judge Christopher Wogan of the Philadelphia Court of Common Pleas. Mr. Hand had pled guilty back on September 22, 2004 to carrying a firearm without a license and carrying a firearm on a public street (CP-51-CR- 0404691-2004). Judge Wogan initially placed Mr. Hand on 7-years probation for the gun offense. As a result of his arrest in this case, however, Mr. Hand appeared before Judge Wogan on July 22, 2008 for having violated Judge Wogan's probation. At that time

Judge Wogan sentenced Mr. Hand to serve a sentence of 21 to 72 months in the State Correctional Institution.

3. The combination of drugs and a gun led to the Federal adoption of Mr.

Hand's city case. Well before the return of the Information in this case I had spoken to case prosecutor Stephen A. Miller, Assistant United States Attorney, and advised him that Mr. Hand was prepared to enter a plea of guilty just as soon as the Information against him was returned. That is exactly what took place. Mr. Miller previously referred to the expedited manner in which this case passed through the guilt stage as representing "super acceptance of responsibility" on the part of Mr. Hand.

4. Mr. Hand comes from an intact family. His mother and father, Robin and Darrol Hand, will be present at sentencing along with other family members.

5. Were we not in a mandatory sentencing posture I would ordinarily be urging the Court to utilize Mr. Hand's USSG Guideline Range as an advisory number which, given application of the 3553(a) factors, invites a below Guideline sentence. I realize, however, as does David, that Your Honor's hands are tied with regard to the mandatory portion of the sentence. It is my hope that given all of the circumstances at hand you will deem a sentence of 120 months as adequate to comply with the directive contained within 18 U.S.C. § 3553(a) for Sentencing Courts to "impose a sentence sufficient, but not greater than necessary, to comply

with the purposes set forth in paragraph 2.” I note with gratitude to Government counsel that the Government is also recommending a sentence of 120 months for Mr. Hand.

6. I have spent a good amount of time with David since his arrest. I represented him before Judge Wogan for his violation hearing and on this case from its inception. He recognizes the mistakes that he has made and is prepared to rectify them upon release. As you will see at sentencing, he is a well-spoken and sincere young man fast approaching his 29th. birthday (dob 1/31/80).
7. Since Mr. Hand was arrested on the charges in this case in May 7, 2008, and has been consecutively confined since that time, I am requesting that Your Honor recommend to the Bureau of Prisons that Mr. Hand be credited on his federal sentence with time served since May 7, 2008 notwithstanding that his transfer from State to Federal custody took place on September 23, 2008. My final request is that given Mr. Hand’s serious drug addiction as described in paragraph 57 of the PSR that Your Honor recommend to the BOP that he be permitted to participate in the Bureau of Prisons Residential Drug Abuse Program.

Respectfully submitted,

/s/ William T. Cannon
WILLIAM T. CANNON, ESQUIRE
Attorney for Defendant
David Hand

CERTIFICATE OF SERVICE

William T. Cannon, Esquire, attorney for defendant, hereby certifies that a true copy of the foregoing Sentencing Memorandum was provided to Government counsel identified below this date:

Stephen A. Miller, Esquire
Assistant U.S. Attorney
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106

January 14, 2009

Date

/s/ William T. Cannon
WILLIAM T. CANNON, ESQUIRE